

REMARKS

Claims 1-24 were pending in this application.

Claims 8-11 and 18-24 have been allowed.

Claims 1-7 and 12-17 have been rejected.

Claims 1 and 8-12 have been amended as shown above.

Claim 25 has been added.

Claims 1-25 are now pending in this application.

Reconsideration and full allowance of Claims 1-25 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicant thanks the Examiner for the indication that Claims 8-11 and 18-24 have been allowed. Claims 8-11 have been amended to correct informalities in the claims. These amendments do not alter the scope of Claims 8-11. As a result, Claims 8-11 and 18-24 remain in condition for allowance.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-7 and 12-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,354,331 to Schachar ("*Schachar*"). This rejection is respectfully traversed.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they

are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Claims 1 and 12 have been amended to recite that a prosthesis includes a body having a first end and a second end, where “each of said first and second ends lacks a mechanism for coupling to an end of another prosthesis.”

Schachar recites a scleral expansion band. (*Abstract*). *Schachar* includes the following disclosure regarding the use of multiple parts to form the scleral expansion band:

The scleral expansion band may also be made in a plurality of parts that can be assembled prior to use or may be installed separately to form a complete band.

(*Col. 7, Lines 1-3*).

This portion of *Schachar* simply indicates that a “plurality of parts” can be used to form the scleral band. This portion of *Schachar* specifically states that the “plurality of parts” are used by (i) assembling the parts into a complete band prior to use or (ii) installed in a patient’s eye separately to form a complete band. In either case, the multiple parts are used to form a complete scleral band. Because of this, the individual “parts” disclosed in *Schachar* cannot anticipate a prosthesis that includes a body having a first end and a second end, where “each of said first and second ends lacks a mechanism for coupling to an end of another prosthesis” as recited in Claims 1 and 12.

For these reasons, Claims 1 and 12 (and their dependent claims) are patentable over *Schachar*. Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 1-7 and 12-17.

III. NEW CLAIM

The Applicant has added new Claim 25. The Applicant respectfully submits that no new matter has been added. At a minimum, the Applicant respectfully submits that Claim 25 is patentable for one or more reasons discussed above. The Applicant respectfully requests entry and full allowance of Claim 25.

CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.


If any issues arise or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckbutrus.com*.

The Applicant has included the appropriate fee to cover the cost of one (1) additional claim. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

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